United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

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U.S. Environmental Protection Agency
EPA West (Air Docket)
1200 Pennsylvania Avenue, N. W.
Room: B108; Mail Code: 6102T
Washington, D.C. 20460

DEC 31 2003

Submitted to: EPA Docket Center, Docket #OAR-2003-0079

Dear Sir:

The Department of the Interior has completed its review of the Environmental Protection Agency's (EPA) Proposed Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) and the additional information on alternative approaches for classifying ozone nonattainment areas published in the October 21, 2003, Federal Register (Docket #OAR 2003-0079). We appreciate EPA's consideration of the following comments and recommendations regarding its proposed rulemaking.

EPA has the difficult and complicated task of ensuring that the country meets national ambient air quality standards for ozone. Despite that, remarkable progress in the past three decades in urban areas has reduced the public health impacts of ozone markedly. However, progress has been more difficult in rural areas, where most National Park units, and particularly Class I areas, are located. One consequence of this is that, as acknowledged in EPA's August 2003 status and trends report, "Latest Findings on National Air Quality", from 1993 to 2002, 18 out of 28 national parks with monitored data over this 10-year period experienced increases in 8-hour ozone levels. Five of these national parks (Great Smoky Mountains, Acadia, Mesa Verde, Denali, and Craters of the Moon) had ozone increases that demonstrate statistically significant worsening trends. Preliminary assessments by the Department's National Park Service (NPS) suggest that at least 8 park units might be designated nonattainment system-wide. In addition, using 1999 monitored data nationally, widely accepted interpolation methods indicate that over a hundred park units experienced 5 or more days when ozone levels exceeded the 8-hour ozone standard (see enclosed map), and which would affect visitors, employees and vegetation in these units.

The NPS's responsibilities to protect air quality derive from both the 1916 Organic Act and the Clean Air Act (CAA). In particular, the CAA specifies the NPS's affirmative responsibility to protect Class I areas that it manages. Many individual park units' enabling legislation also describes the particular need to protect air resources and special

attributes of park units which are dependent on good air quality (e.g., scenic views, wild life, etc.). Meeting these responsibilities requires the best practicable air quality in parks to protect natural resources and systems and to sustain visitor enjoyment, human health, and scenic vistas (NPS Management Policies – 2001). In light of these goals, the NPS supports implementation of effective and practicable measures to reduce ozone concentrations and expedite compliance with the newly instituted 8-hour ozone standard.

EPA has requested additional comment on its proposed options for classifying 8-hour ozone nonattainment areas. Of the four alternative classification schemes (Options 1 and 2, and Alternatives A and B) that EPA has proposed, we favor Alternative B to the extent it would classify areas under Subpart 2, Section 181(a), of the CAA. However, we have concerns about the potential for some NPS units to be classified under Section 182(h) of the CAA as rural transport areas by EPA and the proposed compliance timeframes for higher classified areas, both of which may delay timely attainment of the standard in NPS areas affected by pollution transport. These and related issues are discussed below.

- Nonattainment area classifications: National park units that could be designated nonattainment for the 8-hour ozone standard include, in whole or in part, Shenandoah National Park (NP), Great Smoky Mountains NP, Yosemite NP, Sequoia/Kings Canyon NP, Joshua Tree NP, Cape Cod National Seashore, Cowpens National Battlefield and Acadia NP (see enclosed table). Under current guidance, EPA may allow states the discretion to delineate nonattainment boundaries that could result in park nonattainment areas being classified as "rural nonattainment areas" that are separated (on paper) from nearby or adjacent urban nonattainment areas regardless of the severity of the contribution of the latter to ozone levels affecting these parks' air quality and sensitive resources and the extent to which they could be reduced practicably.

  If this interpretation of EPA's proposal is correct, our major concerns with such classifications for park areas are twofold: (1) in situations where park areas are likely substantially influenced by nearby urban nonattainment areas, we believe it may be more appropriate to classify the park under Section 181(a) and include it as part of a larger nonattainment area encompassing the nearby urban area; and (2) a determination by EPA that any of these park units should be classified as "rural transport areas" will create a planning off-ramp whereby state and local agencies need not consider practicable methods to improve ozone air quality in the parks. If EPA should decide to allow the isolation of nonattainment park areas from nearby metropolitan areas in the ongoing designation process, the uncertainties related to these areas attaining the ozone standard are compounded by EPA's current proposal to not require any analysis by state and local planning agencies of the impacts of the latter on the former.

  We believe EPA should address these issues in greater detail as it finalizes its implementation rule. We encourage EPA to clarify that there is a need for State or local air quality planning agencies to consider the effects of urban area pollution transport on nearby rural nonattainment areas in the development of

their control strategy regardless of its classification under Sections 181(a) or 182(h).

- Attainment timeframes for higher classifications: We believe it is important that state implementation plan (SIP) control strategies result in attainment of the standard **in all affected areas** as expeditiously as practicable. From the standpoint of potential, NPS-managed rural transport areas, it is possible that significant emissions reductions from state-imposed emission control measures will be achieved too late to help these park areas reach attainment as expeditiously as practicable under any of EPA's proposed classification schemes. This problem may be magnified in cases where nonattainment areas seek a higher classification to allow even more time to attain the standard.

  EPA acknowledges pollution transport as a key issue for many areas having ozone problems (e.g., tribal lands, and rural areas including most national parks), yet the proposal provides little assurance that areas primarily influenced by transported pollution will be able to attain the standard within the required compliance timeframes under the CAA. In situations where pollution transport from higher classified nonattainment areas creates nonattainment problems in downwind, mostly rural areas, we question EPA's rationale for assuming the impacted areas can attain the standard in the short term (3 to 6 years for marginal or moderate areas under Subpart 2), given the long lead time for planning allowed in higher classified areas and the eventual imposition of control measures requiring a relatively modest emissions reductions rate.

  We request that EPA clarify : (1) its rationale for proposing to apply to 8-hour nonattainment areas the longest timeframes available under the 1990 CAA amendments (10 to 20 years) for attaining the 1-hour ozone standard; (2) how its proposed implementation policy will result in affected rural nonattainment areas attaining the standard as expeditiously as practicable, including the effects of allowing the worst nonattainment areas to "bump up" to a higher classification; and (3) its rationale for not imposing the timeframes provided in Subpart 1 of the CAA (e.g., 5 years initially with a possible 5 year extension) for areas having the most difficulty in attaining the 8-hour standard as expeditiously as practicable.

It is unclear how EPA reconciles the need for assuring attainment as expeditiously as practicable in potentially affected park areas with its proposed and applicable policies that do not explicitly account for ozone problems outside of major metropolitan areas. We believe it is also important for EPA to assess the potential effects the proposed rule could have on the ability of designated rural transport areas to reach attainment as expeditiously as practicable. Specific areas of concern include:

- Emission Offset Interpretative Ruling (Appendix S to Part 51): Although scientific understanding of ozone formation and transport would likely dictate otherwise, current EPA guidance allows states to presume that all emissions increases from new or modified major sources locating outside a designated

ozone nonattainment area will have no significant impact on the nonattainment area. This EPA guidance provides flexibility to states to choose whether or not they want to address the impacts of such sources on nearby nonattainment areas, but there is no requirement that they do so. This guidance may have the effect of stimulating emissions growth outside nonattainment area boundaries, moving pollution sources further into rural areas. The current proposal is silent on this issue. This issue should be addressed.

- Lower classifications through modeling demonstrations: The proposal allows states to avoid the mandatory control requirements that would apply to nonattainment areas when classified using actual monitored ozone air quality levels. Although EPA acknowledges that the CAA was not originally structured to allow for lowering classifications based on modeling, states would have the option to demonstrate through modeling that the area(s) might attain the standard by an attainment date that is consistent with a lower classification. Areas that can make this modeling demonstration would then be classified at the lower classification and impose less stringent control requirements. We would support this concept to the extent that the imposition of fewer or less stringent control measures in the affected area did not delay the attainment of the standard in rural park areas affected by the transport of pollution from areas using this mechanism.

- Premature elimination of 1-hour nonattainment designations: EPA could maintain the momentum gained in implementing the 1-hour ozone standard by retaining that standard for 1-hour nonattainment areas until maintenance of that standard is demonstrated or the approved SIP designed to attain the 1-hour standard has been replaced by one approved to address the 8-hour standard.

- New source emissions and conformity demonstrations: EPA can further the goal of attainment for both the 1-hour and the 8-hour ozone standards by its stated commitment in the June 2, 2003, proposal (68 FR pp. 32805-32806) to continue its leadership role in establishing national and regional control requirements, standards and guidelines for other source categories of ozone precursor emissions. The continued and consistent application of both the transportation and general conformity requirements is essential. Measures such as these would increase the certainty that progress will be made and consistency and continuity will be maintained in applicable control programs.

In conclusion, the DOI is interested in working with EPA and state air quality authorities to reverse the trend of increasing ozone levels in many park units across the country. In particular, we are interested in ensuring that state implementation plans do not miss out on opportunities to attain the 8-hour ozone standard in all nonattainment areas as expeditiously as practicable.

We greatly appreciate the opportunity to comment on this proposal and the consideration of these comments by EPA as it completes the rule to implement the new 8-hour ozone air quality standard.

Sincerely,

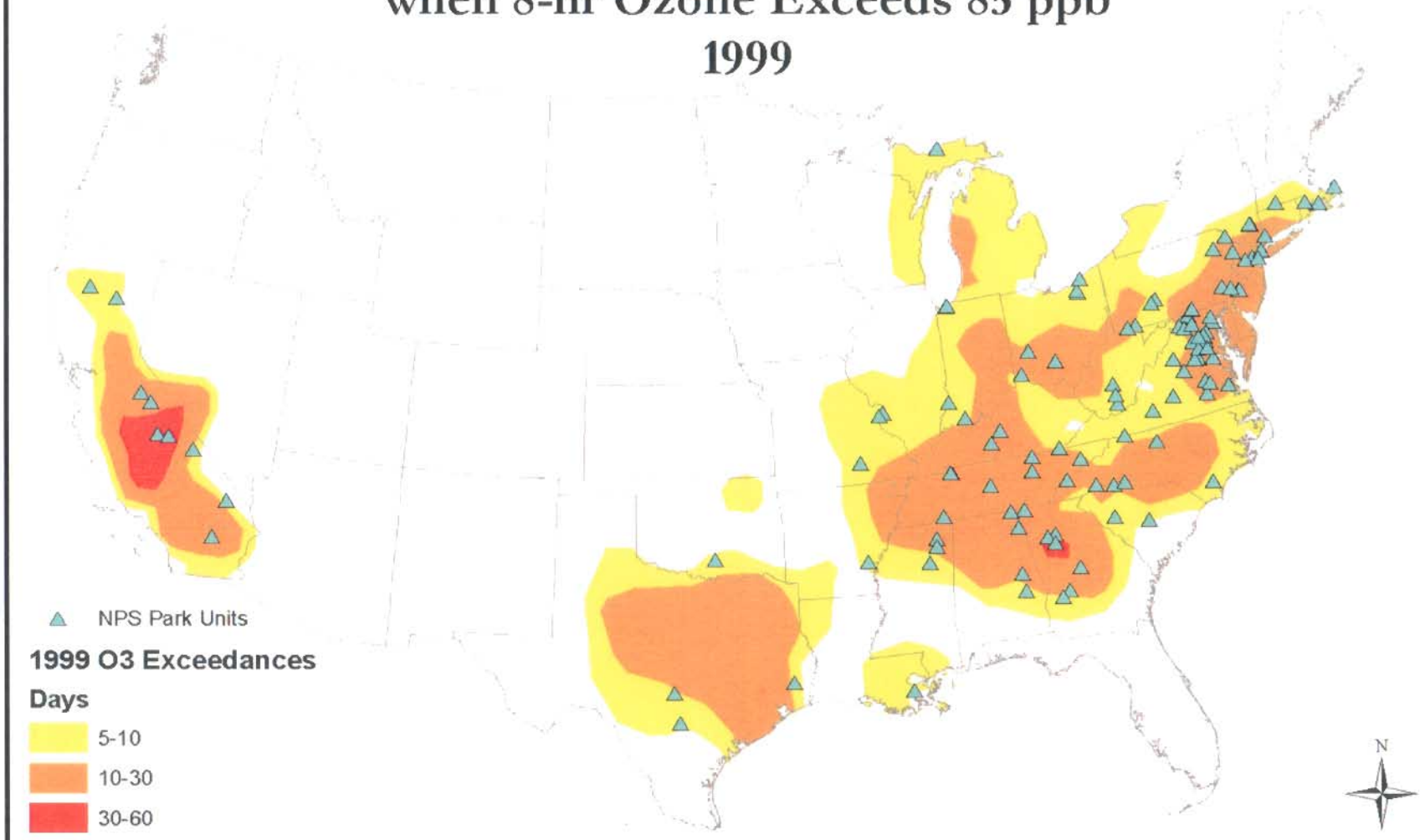
Terence N. Martin

for Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

Enclosures

National Park Service
U.S. Department of the Interior

Park Units In Areas Having 5 or More Days when 8-hr Ozone Exceeds 85 ppb 1999



Produced by NPS Air Resources Division

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Parks With Monitored Ozone National Ambient Air Quality Standards

		'00-'02 avg	Number of exceedances			2003	2003
Site Name	Park Name	avghi4th	2000	2001	2002	Exceed counts	4th hi O3 (ppb)
Ash Mountain	Sequoia-Kings Canyon	105	40	61	80	67	110
Lookout Point	Sequoia-Kings Canyon	103	52	40	81	48	104
Clingmans Dome	Great Smoky Mountains	98	21	11	29	3	
Lower Kaweah	Sequoia-Kings Canyon	98	8	27	73	42	100
Cove Mountain	Great Smoky Mountains	96	18	10	35	3	
Look Rock	Great Smoky Mountains	94	12	4	32	9	90
Black Rock	Joshua Tree	94	27	1	33	38	111
Cadillac	Acadia	93	3	9	8		
	Cape Cod	93	3	13	9		
Turtleback Dome	Yosemite	89	6	4	24	10	90
	Cowpens	87	4	1	13		
Big Meadows	Shenandoah	85	1	8	6	6	86

8 parks violate the ozone national ambient air quality standard